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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/855,499	05/16/2001	Patrick Blanc	Q64525	9426

7590 02/27/2004

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EXAMINER
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GANTT, ALAN T

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 02/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/855,499

Applicant(s)

BLANC, PATRICK

Examiner

Alan T. Gantt

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5, 6.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Salonaho.

Regarding claim 1, Salonaho discloses a method and apparatus for power control in a mobile telecommunication system where time is divided into power correction intervals where a target power and correction steps are determined for each base station where the application is pertinent during soft handoffs, i.e. macro-diversity (Abstract and page 1, lines 3-5). Salonaho meets the following limitations:

wherein a reference transmission power for said adjustment is signaled to each of said base stations together with an adjustment period, (page 4, lines 4-6 [the reference transmission power is the target power level]) and

wherein each of said base stations periodically adjusts its transmission power to said reference transmission power, at said adjustment period. (page 6, lines 15-37)

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Regarding claim 2, Salonaho meets the limitation: A method according to claim 1, wherein said periodically-performed adjustments are performed at predetermined instants. (page 6, lines 15-37)

Regarding claim 3, Salonaho meets the limitation: A method according to claim 2, wherein the transmitted information is structured in the form of frames that are numbered using continuous increasing numbering, said adjustment period is expressed as a number  $N$  of frames, and said predetermined instants corresponds to frames numbered  $n$  (modulo  $N$ ), where  $0 \leq n < N$  (page 6, lines 15-37 [power correction interval-an interval is a frame])

Regarding claim 4, Salonaho meets the limitation: A method according to claim 1 wherein an updated value for the adjustment period can be signaled. (page 6, lines 15-37 and page 7, line 5-21)

Regarding claim 5, Salonaho meets the limitation: A method according to claim 1, wherein an updated reference transmission power value can be signaled. (page 6, lines 15-37)

Regarding claim 6, Salonaho discloses a method and apparatus for power control in a mobile telecommunication system where time is divided into power correction intervals where a target power and correction steps are determined for each base station where the application is pertinent during soft handoffs, i.e. macro-diversity. Salonaho meets the limitation:

a radio network controller, including, for adjusting transmission powers in base stations transmitting in macro-diversity in a mobile radiocommunication system, (page 5, lines 23-31)

means for signaling a reference transmission power value for said adjustment to each of said base stations, together with an adjustment period. (page 4, lines 4-20 and page 5, lines 7-31)

Regarding claim 7, Salonaho meets the limitation: A radio network controller according to claim 6, including means for signaling an updated adjustment period value. (page 6, lines 15-37 and page 7, line 5-21)

Regarding claim 8, Salonaho meets the limitation: A radio network controller according to claim 6, including means for signaling an updated reference transmission power value. (page 6, lines 15-37)

Regarding claim 9, Salonaho discloses a method and apparatus for power control in a mobile telecommunication system where time is divided into power correction intervals where a target power and correction steps are determined for each base station where the application is pertinent during soft handoffs, i.e. macro-diversity. Thus, Salonaho meets the limitation of a base station, including, for adjusting its transmission power when transmitting in macro-diversity in a mobile radiocommunication system:

means for receiving a reference transmission power value for said adjustment, as transmitted by a radio network controller together with an adjustment period, (page 4, lines 4-20) and

means for periodically adjusting its transmission power to said reference transmission power value, at said adjustment period. (page 6, lines 15-37)

Regarding claim 10, Salonaho meets the limitation: A mobile radiocommunication system, comprising means for performing a method according to claim 1. (page 3, lines 14-31)

### *Conclusion*

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Jeschke et al. discloses a feedback-type transmit power correction technique in a UMTS where the mobile station sends a transmit power control command to all base stations serving it.

Cao et al. discloses transmission power control for packet switched communication systems.

Lu discloses a method of operating where one mobile station communicates with a number of base stations in a macrodiversity scheme.

Any inquiry concerning this communication from the examiner should be addressed to Alan Gantt at telephone number (703) 305-0077. The examiner can normally be reached between 9:30 AM and 6 PM within the Eastern Time Zone. The group FAX number is (703) 872-9306.

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Any inquiry of a general nature or relating to this application should be directed to the group receptionist at telephone number (703) 305-4700.

*Alan T. Gantt*  
Alan T. Gantt

February 19, 2004

*Mick Cowan*  
Primary Examiner